

Appl. No. 10/667,014
Amendment dated November 17, 2005
Response to Office Action of September 22, 2005

Remarks/Arguments

This Amendment is responsive to the Office Action mailed September 22, 2005 in the above-identified application.

The recent Office Action was non-final, and set a three-month period for response. Accordingly, the present Amendment is timely.

This Amendment amends independent claim 31, and adds new dependent claim 37. Since the net effect of this Amendment is to present one additional claim for examination, and since the total numbers of claims is less than the highest number previously paid for, no additional fee is believed to be due for presentation of new claim 37. However, in the event that a fee is found to be due and deficient, kindly charge any such additional fee or deficiency to our Deposit Account No. 19-3320.

In the recent Office Action, the Examiner rejected claims 31 and 34-36 under 35 U.S.C. § 102(b) as allegedly "anticipated" by U.S. Pat. No. 5,592,731 (Huang *et al.*). Here, the Examiner said in pertinent part:

"As applied to claim 31, Huang et al teach a method of constructing a stator, comprising:

- forming a plurality of arcuate stator segments (Fig. 6, 20), each segment having a concave surface (Fig. 6, see below), a convex surface (Fig. 6, see below), opposite end surfaces (Fig. 6, see below), and a plurality of teeth (Fig. 6, see below) extending inwardly from said concave surface;
 - providing each segment with an electrical winding (Fig. 6, 37) having different portions that are arranged adjacent said concave, convex and end surfaces, said winding being adapted to be selectively energized to form a three-dimensional magnetic field about said winding;
 - assembling said segments to form an annular stator (Fig. 5, 50);
- and

Appl. No. 10/667,014
Amendment dated November 17, 2005
Response to Office Action of September 22, 2005

- placing a rotor within said stator (Abstract), said stator having at least two magnetic poles (Col. 2, lines 12-15) that are arranged to interact with the magnetic field in said stator."

In response to the foregoing, independent claim 1 has been amended so as to clearly and unequivocally distinguish from the prior art, notable the Huang reference. More particularly, claim 31, as amended herein, recites a method of forming an electric motor which includes the steps of: forming a plurality of arcuate stator segments, providing a separate electrical winding for each segment, and assembling the segments to form an annular stator. This "separate electrical winding for each stator segment" limitation immediately distinguishes Applicant's invention from Huang. In the portion referred to by the Examiner, Huang clearly shows a plurality of stator segments that may be assembled to form an annular stator, with a wave-type winding that weaves among the teeth of all of the various stator segments. In other words, Huang does not provide a separate winding for each stator segment, as now clearly and unequivocally required by independent claim 31. Rather, Huang has a wave-type winding that is wound through the teeth of all the stator segments. Clearly there is no teaching or suggestion in Huang of providing a separate winding for each individual stator segment.

Nor is there any suggestion in Huang of supplying a single phase current to each stator winding that is different from the phase of the current supplied to the winding of each adjacent segment, as recited in new claim 37. To the contrary, Huang provides a current to the winding that is common to all stator segments.

Support for the limitations of new claim 37 is currently found on page 5 of the present published application, at line 1 *et seq.*:

Appl. No. 10/667,014
Amendment dated November 17, 2005
Response to Office Action of September 22, 2005

"Each segment 200 will be wound with a single electrical phase, so if this was a three-phase machine it may have three identical segments 100, the first segment may be connected to electrical phase A, the second segment connected to electrical phase B, and the third segment connected to electrical phase C."

Additional support for the "separate electrical winding for each segment" limitation is found in paragraph [0022] of the present application:

"A continuous insulated electrical winding that is associated with each stator segment such that a magnet field is induced in the stator segment when a current is passed through the continuous insulated electrical winding."

Thus, the present Amendment does not add "new matter", the introduction of which is prohibited by 35 U.S.C. § 132.

The remaining references were cited, but not applied in the rejection of any claim. These have been reviewed. Suffice it to say that none of these references, either singly or in combination, appears to teach or suggest the combination defined by amended claim 31. Accordingly, independent claim 31 and dependent claims 34-37 are believed to distinguish patentably from the prior art. As the Examiner is well aware, if an independent claim distinguishes from the prior art, then the trailing dependent claims must also similarly so distinguish. *Ex Parte Leavell*, 212 USPQ 762 (Bd. App. 1979) [where a dependent claim is based upon an allowed parent claim, the dependent claim should be considered allowable by the examiner for the same reasons as the parent claim]; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

This Amendment is believed to be fully responsive to the Office Action of September 22, 2005, is believed to squarely address each and every ground for objection or rejection raised by the Examiner, and is believed to materially advance prosecution of this application toward immediate

Appl. No. 10/667,014
Amendment dated November 17, 2005
Response to Office Action of September 22, 2005

allowance.

Formal allowance of new claims 31 and 34-37 is, therefore, courteously solicited.

Respectfully submitted,

PHILLIPS LYTLE LLP

By 

Peter K. Sommer, Esq.

Reg. No. 26,587

3400 HSBC Center

Buffalo, New York 14203-2887

Telephone No. (716) 847-8400

Telecopier No. (716) 852-6100

Attorneys for Applicant

Buffalo, New York

November 17, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being transmitted by facsimile transmission to Telephone
No. 571-273-8300 on November 17, 2005.

PHILLIPS LYTLE LLP

By 

Peter K. Sommer, Esq.

Reg. No. 26,587

Signed: November 17, 2005

BFLO Doc # 1486979.5